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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,266	09/24/2003	Christopher A. Hemstock	2200-001	1253
27522	7590	04/05/2005	EXAMINER UPTON, CHRISTOPHER	
SEAN W. GOODWIN 237- 8TH AVE. S.E., SUITE 360 THE BURNS BUILDING CALGARY, AB T2G 5C3 CANADA			ART UNIT 1724	PAPER NUMBER

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/668,266

Applicant(s)

HEMSTOCK ET AL.

Examiner

Christopher Upton

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

1. Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 16 depends from claim 15, and recites a means for de-pressurizing the vessel, previously recited in claim 15.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5-7 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Sinex.

Sinex discloses a cylindrical vessel having an inlet into a freeboard and spaced fluid outlets, which form barriers in the form of tubular conduits (19, 21) extending below the freeboard, as claimed. With respect to the recitation of desanding, it is submitted that this is intended use language failing to limit the structure of the claims, and that such desanding would inherently occur with water removal, as sand is heavier than water.

4. Claims 1-4, 6-8, 10, 11, 14 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Chavez.

Claims 17-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Chavez.

Chavez discloses a cylindrical vessel having an offset, eccentric inlet into a freeboard, plate type flow barriers (35, 37), and a collection area with a cleanout port (56), as claimed.

5. Claims 1-11, 14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collings.

Collings discloses a cylindrical vessel for removing particulates from a fluid comprising an eccentric offset inlet, a spaced outlet, and flow barriers in the form of both a plate (60) and a pipe (72), with risers forming cleanouts, as claimed. While the freeboard is not explicitly disclosed, it is submitted that the overflow weir plate (51)

obviously creates a freeboard, which is below the inlet. With respect to claim 9, it is submitted that the inlet is shown as being of multiple part construction (26, 42), and that a flange is well known and may obviously be used to connect piping together. With respect to claims 17-20, it is submitted that the "adaptation" language renders the wellhead as intended use, thus failing to limit the structure claimed.

6. Claims 12, 13, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The recitation of a separator vessel having a fluid inlet adjacent a first end discharging into a freeboard, an outlet spaced from the inlet, and a flow barrier depending from the top of the vessel between the inlet and outlet, wherein the inlet port comprises a first connection, a releasable second connection having a nozzle extending through it, with the nozzle having a first end connected to the source of the fluid stream and a second end protruding into the vessel spaced inwardly from the first end; or wherein the vessel has a cleanout connection and cover at the second end and means for isolating itself from the fluid stream and being depressurized prior to opening the cleanout cover patentably distinguishes over the prior art of record.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other references of interest include Pedersen, Edmondson, Murdock, Lowrie, Piner, Walker, Glasgow, Odom and Polderman.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Upton whose telephone number is 571-272-1169. The examiner can normally be reached on 7:30-5:00, off every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher Upton  
Primary Examiner  
Art Unit 1724